Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. SCOTT of Florida. Mr. President, I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, I ask that the previously scheduled rollcall vote start immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON GARCIA NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Garcia nomination?

Mr. SCOTT of Florida. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 15 Ex.]

YEAS—53

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Fetterman	Murray	Welch
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wyden
Hassan	Peters	

NAYS—46

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Britt	Hyde-Smith	Schmitt
Budd	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Tillis
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Ernst	Paul	
Fischer	Ricketts	

NOT VOTING—1

Casey

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MARKEY). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 15, Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon.

Richard J. Durbin, Sheldon Whitehouse, Martin Heinrich, Tim Kaine, Tammy Baldwin, Ben Ray Luján, Tammy Duckworth, John W. Hickenlooper, Amy Klobuchar, Jack Reed, Jeanne Shaheen, Brian Schatz, Edward J. Markey, Benjamin L. Cardin, Alex Padilla, Margaret Wood Hassan, Catherine Cortez Masto.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Utah (Mr. LEE) and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Utah (Mr. LEE) would have voted ''nay'' and the Senator from North Carolina (Mr. TILLIS) would have voted ''nay.''

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—53

Baldwin	Graham	Murray
Bennet	Hassan	Ossoff
Blumenthal	Heinrich	Padilla
Booker	Hickenlooper	Peters
Brown	Hirono	Reed
Cantwell	Kaine	Rosen
Cardin	Kelly	Sanders
Carper	King	Schatz
Collins	Klobuchar	Schumer
Coons	Luján	Shaheen
Cortez Masto	Manchin	Sinema
Duckworth	Markey	Smith
Durbin	Menendez	Stabenow
Feinstein	Merkley	Tester
Fetterman	Murkowski	Van Hollen
Gillibrand	Murphy	Warner
Warnock	Warren	Whitehouse
	Welch	Wyden

NAYS—44

Barrasso	Fischer	Ricketts
Blackburn	Grassley	Risch
Boozman	Hagerty	Romney
Braun	Hawley	Rounds
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tuberville
Crapo	McConnell	Vance
Cruz	Moran	Wicker
Daines	Mullin	Young
Ernst	Paul	

NOT VOTING—3

Casey	Lee	Tillis

The PRESIDING OFFICER (Mr. WARNOCK). On this vote, the yeas are 53, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Adrienne C. Nelson, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I am back today now for the 20th time to shed a little light on the dark money scheme to capture and control our Supreme Court.

Part of what allows that scheme to flourish is the ethics-free zone around the Supreme Court. It is quite unique. So let's look at it.

The last time I gave this speech, No. 19, I walked through the various problems with how the Supreme Court handles allegations of misconduct by the Justices.

The short answer is that it doesn't.

The U.S. Supreme Court is the only court in the country not covered by an ethics code. And worse than that, it is the only part of the Federal Government that has no process for ethics investigation and enforcement—none.

Now, any meaningful ethics regime contains three things: first, a process for receiving complaints; second, a process for investigating those complaints once they are received; and, third, a process for reporting the result and holding powerful people accountable should those complaints turn out to be merited.

The House and the Senate, for instance, we have our Ethics Committees. The executive branch has inspector generals and the attorney general. The Federal courts, except the Supreme Court, have their own investigative procedures. It is just the Supreme Court that has none. The closest you get is probably a motion to recuse.

Let's start with the difficulty of raising ethics complaints with the Supreme Court. People who are concerned about ethics violations over at the Court have to get pretty creative because the Court has no place to submit

an ethics complaint. If you like, there is no inbox.

We saw this play out when Judge Kavanaugh became Justice Kavanaugh. Multiple ethics complaints were pending against Judge Kavanaugh. The lower courts, like the DC Circuit that he was sitting on, do have a process for receiving complaints and for investigating them; and pursuant to that process, a special panel was appointed to review the complaints against Judge Kavanaugh.

But as soon as Judge Kavanaugh squeaked onto the Supreme Court as Justice Kavanaugh—poof—the lower courts lost jurisdiction over him, and the complaints had to be dismissed mid-investigation.

Now, the complaints could have been refiled up at the Supreme Court, but there was no place to file them.

We saw the problem again when a man named Robert Schenck sent Chief Justice Roberts a letter explaining how he learned, after a donor's private dinner with Justice Alito and his wife, how the Supreme Court was going to rule in the Hobby Lobby decision.

Apparently, a letter directly to the Chief Justice isn't a proper way to lodge a complaint because Schenck never heard back from the Court.

Months later, Schenck then went to the New York Times, which was following up on an earlier POLITICO story about Schenck's covert lobbying campaign to have wealthy rightwing donors invite some of the Justices to meals, to their vacation homes, or to private clubs.

It took the press, the fourth estate, to fill in the investigatory gap about that $30 million wining and dining campaign.

More recently, a former coworker of the Chief Justice's spouse alleged ethics problems with the Chief Justice's failure to disclose financial connections between his spouse and parties and law firms appearing before the Court. With no mechanism to ask the Supreme Court to review whether this arrangement presented a conflict, the former coworker sent his complaint around to congressional offices in hopes that someone might take it seriously somewhere.

Again, the complaint made it to the fourth estate; and, again, without an inbox at the Court or a process, it took journalists to give the inquiries an airing.

Set aside the merits of these complaints, the point is: They never got in the door for the Court's consideration. The Court's refusal to receive ethics complaints is unique to the Supreme Court, and I submit it is not serving the institution well. So even if there were an inbox for an ethics complaint, the Court still has no process to investigate it.

Turn back to Mr. Schenck. After the New York Times reported on his allegation, there was understandable public uproar.

Chairman HANK JOHNSON and I wrote to the Court as Courts subcommittee chairs to ask whether it was investigating the allegations. After months of silence, amid growing public clamor, the Court did something it almost never does: It acknowledged the accusations.

Mr. President, I have a two-page letter from the Court's legal counsel, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

In that letter, the Court said the equivalent of: Justice Alito says he didn't leak the decision, and that is good enough for us. No mention in the letter of the lobbying campaign or of private wining and dining and no description of anything resembling an actual investigation.

I have been the attorney general of my State, a position that has criminal jurisdiction across the entire State. Only three attorneys general in the country have that; Rhode Island is one of them. I have been the United States attorney for my State and led Federal investigations. I know a little bit about investigations.

It is ''investigation 101'' to take statements from witnesses. That is how you make a record, and that is how you deter lying: by tying people to a statement so they can be held accountable if it turns out that the statement is false. No sign in the letter that that was done.

Same again with Justice Thomas regarding his refusal to recuse himself from cases implicating his wife's efforts at overturning the 2020 election.

Back in January 2022, Justice Thomas participated as the lone dissenter in a decision that allowed the House January 6 Select Committee access to records from the Trump White House. And a couple of months later, it turned out that Justice Thomas's wife had texted with White House officials repeatedly about overturning the 2020 election. So she was clearly covered by that investigative effort by the January 6 Commission.

He did not recuse; and, indirectly, it was suggested that Justice Thomas knew nothing at all about his wife's activity, so he didn't need to recuse.

OK. But that is a fact question. What did Justice Thomas know about his wife's activities at the time of the case? Easy to ask him. Easy to take a statement from him. But no sign that that was done. So, of course, no statement and no consequences.

Later, after the reporting about Justice Thomas's wife's activities came out in the public press and he failed to recuse himself in another case, the issue was no longer just a fact question about what Justice Thomas knew, he was now on notice about his wife's conduct, and he still did not recuse.

Why not? Again, no justification, no investigation, no conclusion. The Court has repeatedly failed to investigate or even acknowledge this glaring problem, which brings us to the third element of an effective ethics regime: accountability and transparency—a report at the end.

An investigation ought to be designed to get to the truth and to report its findings so that people can be held accountable for wrongdoing and the public can have confidence in the outcome.

That is a statement so obvious I find it hard to believe I actually have to say it here about the Court.

The one investigation we have seen the Supreme Court undertake was done in response to the Alito draft opinion leak. As an investigation, it was pitiful and marred with conflicts.

My surmise—my surmise—is that in the heat of the Court's ire about the leak, the assumption was made that some clerk or staffer was responsible. Chief Justice Roberts directed the Marshal of the Court to investigate. He called the leak a ''singular and egregious breach of trust that is an affront to the Court and the community of public servants who work here.''

Well, for more than 8 months, the public waited to find out whether the Marshal's investigation would live up to the Chief Justice's words.

In the end, the Court's handling of the Dobbs investigation was a case study in how not to conduct a fair and transparent investigation. The problems were numerous, not least that the Marshal of the Court isn't normally responsible for leading investigations. But the problem that really emerged was that some of the prime suspects for the leak were her bosses, and the investigation held the Justices to a different standard than everyone else at the Court. Everyone else at the Court had to sit down for formal interviews, had to turn over their private communications, had to sign affidavits under oath, but when it came to the Justices, it was different. They were subject to something that the Court called an iterative process. I have no idea what an iterative process is. I can tell you what it isn't. It isn't an investigative process. The Justices even asked questions of their own—some statement.

The premise seems to be that even here, the Justices can never be investigated. This was going to be a top-tier investigation as long as it looked like it was going to be clerks and staff, but once it looked like it might be Justices involved in the leak, suddenly the wheels fell off.

I have never seen an investigation where the investigator called in a third party to provide public assurance that they did a good job, like a little sidecar running next to the investigation: Yeah, they are doing a good job. In this case—worse—it was a third party with conflicts of interest, with relationships with obvious suspects and with contracts with the Court.

So if you compare all of that with how misconduct investigations are handled everywhere else in the Federal Government, you see some pretty big discrepancies. In the executive branch, Congress has established inspectors general who are surrounded by professional staff experienced in internal investigations. IGs know how to conduct

real interviews and record witness statements. Congress has its own internal procedures and investigators for ethics complaints. We have our Ethics Committee. The House has its Ethics Committee. Congress set up procedures for ethics investigations in the lower courts. They exist. Judges are investigated, and people can know where you submit your complaint and how that complaint gets investigated.

The Supreme Court is unique across the entire Federal Government in being impenetrable to investigation, from no ethics inbox, to no process for reviewing a complaint, to no credible report at the end of the day. The highest Court in the land should not be held to the lowest standards in government.

So last week, Congressman HANK JOHNSON and I, joined by Senator BLUMENTHAL and Congressmen NADLER, QUIGLEY, and CICILLINE, reintroduced our Supreme Court Ethics, Recusal, and Transparency Act. Our bill would finally require the Supreme Court to have not just a code of conduct but a real process to enforce that code and other Federal ethics laws.

Our bill would also update judicial ethics laws, ending the ability of judges to ignore conflicts of interest and their recusal obligations; requiring Justices of the Supreme Court to disclose gifts and travel, as other Federal officials do; and exposing the real interests appearing at the Court behind amici curiae who lobby the Court under fake names.

Apparently, there has been a halfhearted effort at the Court to begin to deal with this. The Washington Post reported last week that the Justices discussed for years a binding code of ethics to no result, and the effort seems to have fallen apart. So that leaves Congress in the position that if they won't fix it, we will.

There are many problems plaguing our Supreme Court. Far-right, dark-money interests spent years stacking the Court with their handpicked Justices, who in turn have delivered for those interests at every available opportunity. We need to undo the damage wrought by the Court that dark money built and by those who built it, but we can start—we can start—by bringing basic standards of integrity to the Supreme Court, standards all other judges follow and standards that govern all high-ranking Federal officials across all three branches of Government—officials who are paid by taxpayers to serve the best interests of the American people.

To be continued.

Mr. WHITEHOUSE. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES, THE LEGAL OFFICE,
Washington, DC, November 28, 2022.

Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.
Hon. HENRY C. JOHNSON,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN WHITEHOUSE AND CHAIRMAN JOHNSON: I am writing in response to your letter dated November 20, 2022.

Justice Alito has said that neither he nor Mrs. Alito told the Wrights about the outcome of the decision in the Hobby Lobby case, or about the authorship of the opinion of the Court. Gail Wright has denied Mr. Schenck's allegation in multiple interviews, saying the account given by Mr. Schenck was ''patently not true.'' (Don Wright is deceased.) Justice and Mrs. Alito became acquainted with the Wrights some years ago because of their support for the Supreme Court Historical Society, and they had a casual and purely social relationship. The Justice never detected any effort on the part of the Wrights to obtain confidential information or to influence anything he did in either an official or private capacity. Mr. Schenck's allegation that Justice Alito or Mrs. Alito gave the Wrights advance word about the outcome in Hobby Lobby or the authorship of the Court's opinion is also uncorroborated. Politico reports that despite several months of efforts, the publication was ''unable to locate anyone who heard about the decision directly from either [Justice] Alito or his wife before its release at the end of June 2014.'' The New York Times stated that ''the evidence for Mr. Schenck's account of the breach has gaps.''

There is nothing to suggest that Justice Alito's actions violated ethics standards. Relevant rules balance preventing gifts that might undermine public confidence in the judiciary and allowing judges to maintain normal personal friendships. Judicial Conference gift regulations provide that a judge may not accept a gift from a person seeking official action from or doing business with the judge's court or whose interests may be substantially affected by the performance or non-performance of the judge's official duties, with only limited exceptions. See Guide to Judiciary Policy, vol. 2C, Ch. 6, §620.35. The Wrights owned a real estate business in Dayton, Ohio, and to our knowledge, they have never had a financial interest in a matter before the Court. In addition, the term ''gift'' is defined to exclude social hospitality based on personal relationships as well as modest items, such as food and refreshments, offered as a matter of social hospitality. Id §620.25(a), (b). Similarly, Justice and Mrs. Alito also did not receive any reportable gifts from the Wrights. Gifts of less than ''minimal value'' received from one source in a calendar year need not be reported. And gifts do not count toward this threshold if they take the form of food, lodging, or entertainment received as personal hospitality of an individual, or food or beverages which are not consumed in connection with a gift of overnight lodging. See 5 U.S.C. App. §§102(a)(2)(A), 109(5)(D).

Very truly yours,

ETHAN V. TORREY,
Legal Counsel.

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

VALENTINE'S DAY

Mr. TILLIS. Mr. President, when I look back at the 8 years I have been in the Senate, I can think of a lot of things I like about this job. I have really gotten to know staff on both sides of the aisle, a lot of Members on both sides of the aisle, being coached more than once by Elizabeth and Leigh on parliamentary procedure and rules of the Senate—those are all things I like about the Senate. But every year on this day, there is one thing I don't like about the Senate, and that is because 2 out of the last 10 years, Senate business has brought me here instead of being home with my wife on Valentine's Day.

Mr. President, my wife and I have been married for 36 years, and our first two babies—our two babies were born in Atlanta, GA, the Presiding Officer's great State. My wife Susan has been my valentine for 36 years, and I am away from her once again.

So if it wasn't a violation of the rules, I would pick up a sign just like this that says ''I love my wife, and I wish her a happy Valentine's Day,'' but that is against the rules, so I am not going to do that. Instead, I am going to say: Susan Tillis, I love you, and thank you for 36 great years.

Thank you, Mr. President.

The PRESIDING OFFICER. Without objection.

The Senator from Indiana.

ABRAHAM LINCOLN

Mr. YOUNG. Mr. President, during the Civil War, Walt Whitman took stock of Abraham Lincoln's appearance. The President had a face, the poet wrote, like a ''Hoosier Michelangelo.'' But Whitman sensed that underneath the lines and the crags were wells of wisdom and tact perfectly suited to the President, hard-earned long ago.

You see, Abraham Lincoln is widely regarded as one of our country's greatest Presidents, a visionary and an inspiring leader who appealed to the highest American ideals and moved our Nation toward a more perfect Union.

Sunday marks the 214th anniversary of Abraham Lincoln's birth. Even today, historians still wrestle with the question, how is a man of such character forged? The answer, I think, can be found in Southern Indiana, near the Ohio River. In 1860, when asked for details of his youth by a biographer, Abraham Lincoln was uncooperative. It could all, he said, ''be condensed into a single sentence—the short and simple annals of the poor.''

''That's all you or any one can make of it,'' Lincoln insisted. But, if you will pardon me, I would like to make a little more of it. My colleagues from Kentucky will no doubt point out that Lincoln's birth occurred in their Commonwealth, and as my colleagues from Illinois will likely remind you, when Abraham Lincoln departed for the White House, it was from their State. I will give them this: Lincoln was indeed born in Kentucky, and he did make his name in Illinois. But Abraham Lincoln was a Hoosier. ''It was there I grew up,'' he recalled of Southern Indiana. It was there in Spencer County ''I grew to my present enormous height,'' he once joked.